



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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TO: SUPERVISOR YVONNE BRATHWAITE BURKE, Chair
SUPERVISOR GLORIA MOLINA
SUPERVISOR ZEV YAROSLAVSKY
SUPERVISOR DON KNABE
SUPERVISOR MICHAEL D. ANTONOVICH

FROM: LLOYD W. PELLMAN 
County Counsel

RE: **Plan for Review of Sheriff's Policies**

On March 25, 2003 your Board instructed the County Counsel to present a plan for legal review of Sheriff's policies impacting legal and financial risk. In response, we have met and consulted with the Chief of the Sheriff's Leadership and Training Division and the Sheriff's Risk Management Bureau to identify areas where application of policies may have the greatest potential for legal and financial risk, and to develop a plan for systematic review of policies within these areas on both a prospective and retrospective basis.

While the County Counsel has and continues to regularly review policies of the Sheriff at the request of and in conjunction with departmental staff, such policy review has not been uniformly systematized. Rather, County Counsel deputies assigned to the Sheriff's Department have reviewed policies as requested within the areas of their respective advisory roles (e.g., patrol, custody, etc.), and coordination of such review has generally been accomplished on an informal ad hoc basis.

The Sheriff's Department has recently commenced steps to improve its risk avoidance efforts through establishment of a Corrective Action Coordinator within the Department's Risk Management Bureau under the Leadership and Training Division. The Department has been consulting with the County Risk Manager in this process. We will work closely with the Sheriff's designated Risk Manager as well as the County Risk Manager and, when

appointed, the County Counsel's Litigation Cost Manager to assure that our efforts and those of the Sheriff's Department are and remain focused on the areas and issues of policy development, application and impact which are most cost-effective and involve the greatest risks of potential legal and/or financial risk.

While policies have heretofore been reviewed by County Counsel as requested by the Sheriff's Department, as noted above, the increased effort to systematize comprehensive review of all policies in areas of high legal or financial risk (including the various levels in addition to departmental policies, such as divisional directives and operational unit orders) will severely tax the resources currently assigned to the Department by County Counsel as well as the Sheriff's Risk Management Bureau and other staff involved in policy development and review. The long term results of such efforts, however, should produce savings in future Departmental budgets.

Criteria for Review

Preliminarily, we and the Sheriff's Department have identified the following three primary areas for priority review, based upon frequency of claims and liability pay-outs over past years:

1. Policies related to use of force;
2. Policies related to vehicle operations; and
3. Policies related to arrest/detention/imprisonment.

Claims and liability experience will be continuously monitored to assure that comprehensive policy review remains focused on areas and issues of the highest frequency of claims and risks of liability.

Process for Review

Initially, all new policies and all amendments or modifications to existing policies relating to these areas will be reviewed on a prospective basis as they are developed by the Sheriff's Department. Additionally, a statistical review will be conducted, with the assistance of the County's Risk Manager, of cases on file and cases with pay-outs over past years to determine which existing policies should receive both legal and risk management review.

Policy development and identification of policies to be submitted to County Counsel for review will be coordinated by the Sheriff's Department's Risk Management Bureau. Policies primarily relating to areas other than custody will be submitted by the Bureau directly to the County Counsel deputy serving as lead attorney assigned to the Sheriff's Legal Advisory Unit, who will review the policy or assign it to another deputy County Counsel for review. Policies primarily relating to custody operations will be submitted directly to the County Counsel deputy serving as legal advisor to the Sheriff's Custody Operations Division, who will review the policy. The lead attorney and custody advisor will coordinate, as necessary, on review of policies with overlapping issues relating to other areas of the Sheriff's operations and/or coordinating any specialty reviews, such as labor and employment issues, which may be necessary or advisable involving other resources within the Office of County Counsel.

Timelines for Review

Generally, we expect that a written summary of the County Counsel's legal review, including reference to any relevant constitutional, statutory or regulatory provisions and/or case law, as well as any suggestions for modification, will be returned to the Risk Management Bureau within 10 working days from the date a policy is submitted for review. In the event review may exceed 10 working days due to the complexity of issues or analysis, County Counsel staff will consult with the Sheriff's Risk Management Bureau to determine a reasonable expected time within which such review will be completed.

Process for Informing Sheriff and Board of Policy Areas Presenting Legal and/or Financial Risk

As noted earlier, the Sheriff has established a Corrective Action Coordinator within the Department's Risk Management Bureau to review all areas of Sheriff's operations, including the Department's operational and internal policies, from a risk management perspective. Working with the County Risk Manager and the County Counsel's soon-to-be-appointed Litigation Cost Manager, we and the Sheriff's Department will undertake a statistical review of current claims and cases as well as cases with pay-outs over the last several years to determine particular policies and/or policy areas which have been implicated in liability claims, judgments or settlements or which may present significant liability risks in the future. Upon completion of such review, we will report to the Board on policies identified, modifications made to minimize liability risks, and other measures or actions which might be advisable to address risk management issues in these areas.

In addition, in the event any particular policies or areas of policy are specifically implicated in future lawsuits filed against the Sheriff's Department, we will promptly inform the Sheriff and the Board, and work with the County and Department risk managers to determine appropriate actions to address the liability and risk management issues presented.

LWP:DMM:mr

c: Sheriff Leroy D. Baca

David E. Janssen
Chief Administrative Officer

Rocky Armfield
County Risk Manager

Violet Varona-Lukens, Executive Officer
Board of Supervisors